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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

CALUMET MONTANA REFINING, LLC, )  
Plaintiff, ) Case No. 4:24-cv-62-BMM  
v. )  
MICHAEL S. REGAN, in his official )  
capacity as the Administrator of the )  
United States Environmental Protection )  
Agency, )  
Defendant. )

**DEFENDANT'S CROSS-MOTION  
FOR SUMMARY JUDGMENT**

Defendant (“EPA”) cross-moves for summary judgment and opposes, in part, Plaintiff’s motion for summary judgment, ECF No. 28. EPA does not dispute liability under the Clean Air Act citizen suit provision. But EPA opposes Plaintiff’s requested remedy, which is that the Court order EPA to act by

December 13, 2024. Instead, EPA respectfully requests that the Court order a deadline for EPA's action that is no earlier than January 30, 2025. EPA also seeks summary judgment on Plaintiff's Administrative Procedure Act claim because the Clean Air Act citizen suit provision provides an adequate remedy.

This motion is supported by the accompanying memorandum and declaration of Byron Bunker.

Respectfully submitted,

TODD KIM  
Assistant Attorney General  
Environment & Natural Resources Division

Dated: Oct. 29, 2024

By: /s/ Daniel Pinkston  
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